



PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th Street, Port Area
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NHQ-PCG/CGIG-IAS

15 March 2024

**CIRCULAR
NUMBER 05-24**

CREATION AND ESTABLISHMENT OF VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK AND DEFINING ITS PURPOSE AND FUNCTIONS

I. AUTHORITY

- A. Republic Act No. 9993 "PCG Law of 2009" and its Implementing Rules and Regulations
- B. NHQ-PCG/CGIG-IAS Circular Number 11-22 dated 19 July 2022 "Coast Guard Inspector General and Internal Affairs Service Guidelines and Governing Procedures in the Performance of its Functions"

II. REFERENCES:

- A. Republic Act No. 11313 dated 17 April 2019, otherwise known as "Safe Spaces Act"
- B. Republic Act No. 9262 dated 14 August 2009, otherwise known as "The Anti-Violence Against Women and Children Act of 2004"
- C. Republic Act No. 9710 dated 14 August 2009, otherwise known as "The Magna Carta of Women"
- D. Republic Act No. 8551, otherwise known as "Philippine National Police Reform and Reorganization Act of 1998" Title VII as "Creation of Women's Desk in all Police Stations and Formulation of a Gender Sensitivity Program"
- E. Republic Act No. 7877 dated 14 February 1995, otherwise known as "Anti-Sexual Harassment Act of 1995"
- F. Republic Act No. 7610 dated 17 June 1992, otherwise known as "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"
- G. Republic Act No. 7192, otherwise known as "Women in Development and Nation Building Act" and its Implementing Rules and Regulations

- H. NHQ-PCG/CGIAS Circular No. 13-19 dated 18 November 2019, otherwise known as "Revised Guidelines and Procedures on Disposition of Violation Code of Conduct and Discipline for PCG Uniformed Personnel"
- I. HPCG Circular Number 12-14 dated 28 November 2014, otherwise known as "PCG Anti-Sexual Policy"

III. **BACKGROUND:**

- A. The Philippine Coast Guard (PCG) realizes that equality of men and women entails not only a fundamental human right, but a necessary foundation for a sustainable organization. Gender equality abolishes unequal structures and practices that perpetuate discrimination and inequality. To realize this, the PCG shall endeavor to develop plans, policies, programs, measures and mechanisms to address discrimination and inequality in the economic, political, social and cultural life of women and men.
- B. In the pursuance of the above-mentioned endeavor, the Violence Against Women and Children Desk (VAWC Desk) is created particularly to administer and attend to cases involving offenses against chastity and abuses committed against women and children and other similar offenses.

IV. **PURPOSE:**

This Circular prescribes the creation and establishment of VAWC Desk which will serve as a frontline service in responding to gender-based violence (GBV) cases brought to the PCG, which entails the guidelines and procedures to govern the cases to be handled and disposed by VAWC Desk in the conduct of investigation against PCG personnel in order to maintain the highest standard of discipline.

V. **SCOPE:**

This Circular applies to all PCG personnel charged with cases involving violence against women and children and other similar offences. The procedures prescribed herein shall be strictly observed by all Provost Marshal Units (PMUs), and other PCG offices/units that may be directed to investigate cases enumerated under Title VII (D) of this Circular.

VI. **DEFINITION OF TERMS:**

For purposes of this circular, the following terms are hereby defined as indicated:

- A. **Children** - refers to those who are below eighteen (18) years of age or over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- B. **Committee on Decorum and Investigation (CODI)** - refers to the Committee that is mandated by the lead agency to receive complaints of sexual harassment; investigate sexual harassment complaints in accordance with the prescribed procedure; submit a report of its findings with the corresponding recommendation to the disciplining authority for decision; and lead in the conduct of discussions about sexual harassment within the office to increase understanding and prevent incident of sexual harassment.



- C. **Disciplining Authority** – refers to the Commandant, Philippine Coast Guard who has the authority to endorse to the appropriate PCG Disciplinary Board all erring PCG personnel who are accused of committing gender-based violence as well as in giving punishment and sanctions to those who will be proven guilty of the doing.
- D. **Gender-Based Violence (GBV)** - harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms.
- E. **Gross/Grave Misconduct** - when the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule in relation to the performance of duties is present, whether committed in public or private capacity. Otherwise, misconduct is only simple.
- F. **Informed Consent** - is the voluntary agreement of an individual who has the legal capacity to give consent and who exercises free and informed choice. To provide informed consent, the individual must have the capacity and maturity to know about and understand the services being offered and be legally able to give their consent.
- G. **Intake Form** - a form which contains basic information about the victim-survivor. It also details the incident and the needs and services given to him/her.
- H. **Mediation** – a process by which parties in equivalent bargaining positions voluntarily reach consensual agreement about the issue at hand.
- I. **PCG Personnel** – refers to all active commissioned officers, non-commissioned officers and non-uniformed personnel of the Philippine Coast Guard.
- J. **Preliminary Evaluation** - inquiry upon the evidence gathered in determining the veracity of the complaint/report and assessment of the allegation to validate its credibility, materiality and verifiability, whether or not there is a legitimate basis to warrant a formal investigation.
- K. **Referral Form** - used when a victim-survivor is referred to other service providers for specific assistance. This form shall be filled in by the VAWC Desk Investigator and endorsed to the concerned agency.
- L. **Victim-Survivor** - a person who has experienced gender-based violence.
- M. **Violence against women and children** - refers to any act or series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child, whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.



- N. **Violence Against Women and Children (VAWC) Desk** - a physical facility managed by a VAWC Desk Investigator that serves as a frontline service provider to victim-survivors who experience physical, sexual, psychological, economic, and other forms of cases in a manner that is gender sensitive.
- O. **VAWC Desk Investigator** - is a commissioned/non-commissioned officer of the PCG who assumes the responsibilities and duties in the management of the VAWC Desk and its day-to-day operations.

VII. POLICIES:

A. General Guidelines

1. The PCG shall uphold the highest standard of discipline among its personnel. The honor and integrity of the PCG as an organization shall be upheld at all times during the investigation of offenses against women and children.
2. Both substantive and procedural due process shall be observed during the conduct of investigation under VAWC Desk.
3. The following are the functions of VAWC Desk:
 - a. Respond to GBV cases brought to the PCG;
 - b. Record the number of GBV handled by the VAWC Desk and submit a quarterly report to the HCGIG-IAS and Coast Guard Gender and Development Center (CGGADC) for the determinants and development of effective advocacy programs and policies addressing VAWC;
 - c. Keep VAWC cases records confidential and secured, and ensure that only authorized personnel has access to it;
 - d. Complaints shall be handled with utmost care due to its sensitive nature. The information given shall be treated with strict confidentiality to protect the reputation of the parties involved;
 - e. Coordinate with and refer cases to other government agencies as necessary;
 - f. Coordinate with and refer victim-survivors to Coast Guard Medical Service, Coast Guard Nursing Service, Coast Guard Legal Service and CGGADC if medical/legal/counseling assistance is/are necessary;
 - g. Recommend for the issuance of Reassignment Order transferring the respondent or upon the request in the complaint, the transfer of complainant or victim who is a PCG personnel, in other PCG Unit for the purpose of preventing further violence against the complainant or victim; and
 - h. Perform other related functions as may be directed.



B. Guiding Principles

The following are the main guiding principles that must be adhered to ensure quality GBV response service:

1. **Safety** – this includes physical and emotional safety. Take action with the informed consent of the victim-survivor.
2. **Confidentiality** – maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the person concerned. Confidentiality promotes safety, trust and empowerment.
3. **Respect** – the victim-survivor is the center of approach, thus, all actions taken should be guided with respect for the choices, rights and dignity of the victim-survivor.
4. **Non-Discrimination** – victim-survivors should receive equal and fair treatment regardless of their age, gender, race, religion, nationality, ethnicity, sexual orientation or any other characteristics.
5. **Not subject for Compromise Agreement** – mediation of acts of violence against women are not allowed. A process which involves parties mediating the issue of violence implies that victim-survivor is somehow at fault.

C. Establishment

1. The VAWC Desk must be supervised by all PMUs under the Coast Guard Inspector General and Internal Affairs Service (CGIG-IAS).
2. The VAWC Desk Investigators must be designated by the Commander, Provost Marshal through a Special Order. Likewise, said Investigators must possess the following qualifications:
 - a. Preferably women;
 - b. Graduate of Basic Investigation Course or other related trainings;
 - c. Trained in gender-sensitive handling of cases, undergone Gender Sensitivity Training (GST) and counseling, or other related trainings;
 - d. Must be in the rank of CG ENS or higher for Officers and CG SW2 or higher for Non-Officers;
 - e. In cases that there is no available woman investigator, a male VAWC Desk Investigator may also be designated provided that the said personnel possess the above-mentioned qualifications and must, likewise, seek permission or consent first to the complainant or victim before proceeding with the preliminary evaluation.

3. The VAWC Desk should be located within the premises of a particular PCG Unit/Office. Its location must be situated in a place where the confidentiality, privacy and safety of the complainant or victim will not be compromised. It shall have a separate room where the intake interview can be conducted (if no separate room available, an enclosed area within the vicinity of the Unit/Office).
4. All PMUs must establish VAWC Desk inside the PCG Districts. All other PCG Units should establish VAWC Desk which will be supervised by the nearest PMUs within its area of responsibility.
5. The creation of a Special VAWC Desk under the HCGIG-IAS for purposes of investigating VAWC cases directed against District or Major Unit Commander or Flag Rank Officer.
6. Confidentiality of personnel handling VAWC Desk cases shall sign Affidavit of Non-Disclosure (**Annex F**).

D. Punishable Acts

VAWC Desk covers several acts of GBV, which include, but are not limited to the following:

1. Domestic violence - is a systematic pattern of behaviors that include physical abuse, psychological violence, economic abuse, emotional abuse, and/or sexual violence. It is intended to gain or maintain power and control over a romantic or intimate partner to intimidate, frighten, terrorize, humiliate, blame or injure. It can happen to anyone of any age, race, sexual orientation, gender identity, gender, religion, education level or socioeconomic background; regardless of whether couples are married, living together or dating.
 - a) Physical Violence – acts that include bodily or physical harm
 - i. Physical Assault
 - b) Sexual Violence – acts which are sexual in nature committed against a woman
 - i. Rape
 - ii. Sexual Harassment
 - iii. Acts of Lasciviousness
 - b) Economic Abuse – acts that make or attempt to make a woman financially dependent
 - i. Denial of resources, opportunities and services
 - d) Psychological Violence – acts or omissions causing or likely to cause mental or emotional suffering of the victim
2. Child Abuse - refers to the maltreatment, whether habitual or not, of the child such as but not limited to psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment; and any



act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being.

E. Additional Guidelines

1. All other cases under the PCG Code of Conduct shall be investigated by the general investigation although the victim-survivor may be a woman. However, the VAWC Desk shall investigate these cases if the offense constitutes a violation under Title VII (D) of this Circular.
2. The investigation of cases involving GBV shall be under the jurisdiction of the VAWC Desk. However, if the offense against property is committed by a person with whom the woman has a dating or sexual relationship, the same may be considered as an act of violence against women under R.A. No. 9262. In such a case, the VAWC Desk shall assume jurisdiction.

F. Procedures

Upon receipt of a complaint for cases involving VAWC by the investigating office, the following shall be observed (**Annex A**: Flowchart in Handling VAWC Cases):

1. The VAWC Desk Investigator shall collate the required documentary evidence including the Intake Form (**Annex B**), Referral Form (**Annex C**), Affidavit of Complaint (**Annex D**), and Certificate of Non-Forum Shopping (**Annex E**).
2. Sexual harassment cases brought to the VAWC Desk shall be referred to the Committee on Decorum and Investigation (CODI) of respective PCG Units for proper disposition, while other GBV cases shall be acted accordingly by the VAWC Desk.
3. In the conduct of preliminary evaluation, the completeness of the complaint in form and substance shall warrant a formal investigation. Otherwise, the complaint shall be dropped and closed as prescribed in the existing policy. A complaint is considered complete in form and substance if the necessary documents are completed and has legitimate basis.
4. The VAWC Desk Investigator shall determine if the acts committed by the respondent constitute gross/grave misconduct or as the case may be.
5. After the conduct of investigation and it has been found out that there is a probable cause to charge the respondent with the commission of the acts mentioned in Title VII (D) of this Circular not falling within the jurisdiction of CODI, the VAWC Desk Investigator shall forward the case to Inspector General, CGIG-IAS for evaluation, the case will then be referred to appropriate PCG Disciplinary Board for the determination and imposition of appropriate sanction, and subsequently be recommended to Commandant, PCG as the disciplining authority for approval.

G. Accomplishment

The respective VAWC Desk of all PCG Units shall develop and maintain a database containing gender statistics and sex-disaggregated data that have been systematically gathered and regularly updated. Likewise, quarterly accomplishment reports and other supporting documents such as but not limited to special orders, resolutions, progress reports and results of all filed and recorded VAWC/GBV cases must be submitted to the HCGIG-IAS and shall be copy furnished to CGGADC, which will serve as basis for gender analysis in planning, programming and formulation of GAD programs and policies.

VIII. RESCISSION:

Other policies that are inconsistent with this Circular are hereby rescinded upon approval and effectivity of this Circular.


IX. EFFECTIVITY:

This Circular shall be implemented effective 20 February 2024.

BY COMMAND OF COAST GUARD ADMIRAL GAVAN:

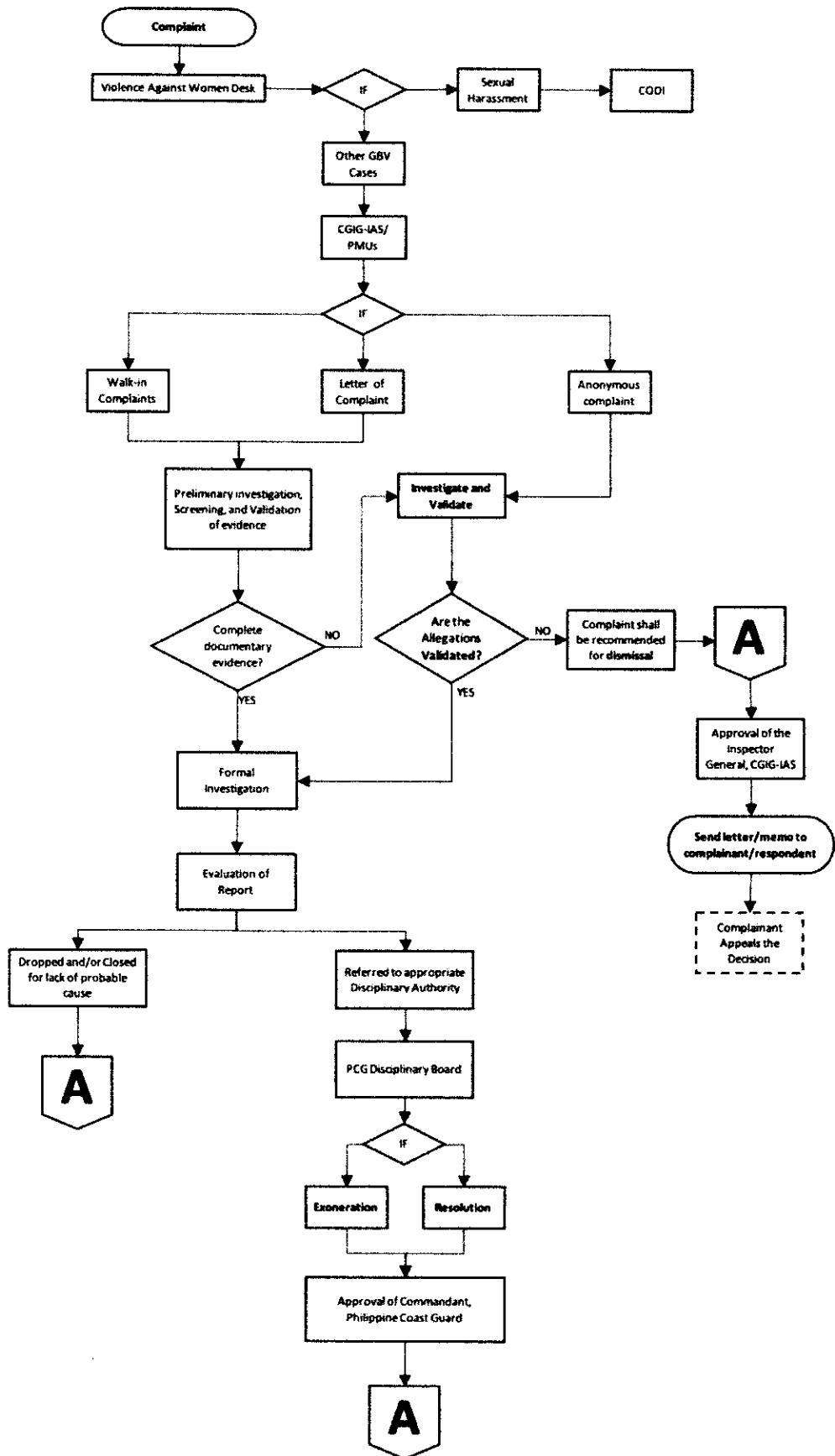
OFFICIAL:

HOSTILLO ARTURO E CORNELIO
CG RADM
Chief of Coast Guard Staff


JAYSIEBELL B FERRER
CG CDR
Coast Guard Adjutant

Annex A – Flowchart in Handling VAWC Cases
Annex B – Intake Form
Annex C – Referral Form
Annex D – Affidavit of Complaint
Annex E – Certificate of Non-Forum Shopping
Annex F – Affidavit of Non-disclosure

Annex A: Flowchart in Handling VAWC Cases



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Philippine Coast Guard
COAST GUARD INSPECTOR GENERAL AND INTERNAL AFFAIRS SERVICE
 Coast Guard Base Farola, Muelle dela Industria
 Binondo, Manila 1006



INTAKE FORM

Interviewed By: _____
Rank Last Name First Name Middle Name

Date of Intake: ___/___/___
DD MM YEAR

Address: _____

Victim-Survivor Information

Case Nr: _____

Name: _____
Rank Last Name First Name Middle Name

Date of Birth: ___/___/___
DD MM YEAR

Age: _____ Sex: _____

Nationality: _____

Civil Status:

- Single Married Live-in Widowed Separated Single Parent

Highest Education Attainment:

- No Formal Education Primary Level Graduate Secondary Level Graduate
 Tertiary Level Graduate Post Graduate Others: _____

Occupation: _____

Religion: _____

Address: _____

Relationship of Perpetrator

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Current Spouse/Partner | <input type="checkbox"/> Former Spouse/Partner | <input type="checkbox"/> Current Fiancé/Dating relationships | <input type="checkbox"/> Employer/Senior |
| <input type="checkbox"/> Immediate Family | <input type="checkbox"/> Coworker/Classmate | <input type="checkbox"/> Former Fiancé/Dating relationship | <input type="checkbox"/> Neighbor/Peers |
| <input type="checkbox"/> Other Relatives | <input type="checkbox"/> Drill Instructor/Tactical Officer | <input type="checkbox"/> People of Authority/Service Provider | <input type="checkbox"/> Others: _____ |

Incident Information

- RA 9262: Anti Violence Against Women and their Children Act**
 Sexual Abuse Psychological Physical Economic Other: _____

- RA 8353: Anti Rape Law of 1995**
 Rape by Sexual Intercourse Rape by Sexual Assault

- Art 336 of Revise Penal Code**
 Act of Lasciviousness

- RA 7877: Anti Sexual Harassment Act**
 Verbal Physical Use of object, picture, letter or notes with sexual under-pinning's

- RA 7610: Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act**
 Sexual Intercourse or lasciviousness Engage, facilitate, promote of attempt to commit child prostitution

RA 9975: Anti Child Pornography Act

RA 11313: Safe Spaces Act

- Junior-Senior in rank Senior-Junior in rank Same rank

Description of Incident: _____

Date of Latest Incident: ___/___/___

Address: _____

Place of Incident:

- | | | | |
|-------------------------------|---|---|---|
| <input type="checkbox"/> Home | <input type="checkbox"/> Commercial Place | <input type="checkbox"/> Place of Medical Treatment | <input type="checkbox"/> Brothels and Similar Establishment |
| <input type="checkbox"/> Work | <input type="checkbox"/> Religious Institutions | <input type="checkbox"/> Transport & Connection Sites | <input type="checkbox"/> Others: _____ |

Witness: (Use additional paper if necessary) (not to be encoded in the system)

Name Address Contact Number

Eye Witness Account: _____



Philippine Coast Guard
COAST GUARD INSPECTOR GENERAL AND INTERNAL AFFAIRS SERVICE
Coast Guard Base Farola, Muelle dela Industria
Binondo, Manila 1006



REFERRAL FORM

Case Nr.: _____ Date of Referral: _____

To: _____

Address: _____

Contact Person: _____

Name of Client: _____

Age: _____ Sex: _____ Address: _____

Civil Status: Married Single Widow Separated Live-In Single Parent

Name of Family/Guardian: _____ Contact #: _____

Address: _____

Reason/s for Referral: _____

Specific Service/s Requested: _____

Please refer to the attached report/intake form/case summary for more information.

Feedback requested and sent to referring party/Agency:

Address: _____

Cellphone #: _____ Landline #: _____

Contact Person: _____ Email Address: _____

Referred by:

Signature over Printed Name

Duty VAWC DESK Investigator

Designation

Approved by:

Signature over Printed Name

Designation

Annex D: Affidavit of Complaint

PHILIPPINE COAST GUARD
CGIG-IAS

X-----X

AFFIDAVIT OF COMPLAINT

I, _____, of legal age, married/single,
Filipino, with mailing address
at, _____

After having duly sworn to in accordance with the law hereby dispose and state
that:

(Complainant's Version of the Complaint and Statement of the facts of the case)

That, I execute this affidavit to attest to the truthfulness of the foregoing
facts and for the purpose of filing an Administrative complaint against (rank,
name and assignment) _____
for _____.

That, further I hereby declare under oath that this complaint is not a form
of harassment or retaliation and the supporting evidence/documents herein are
authentic and from verifiable source and fully aware of the consequence of
being held liable for perjury in case of false or misrepresentation in this affidavit.

IN WITNESS WHEREOF, I have hereunto affixed my signature ___ day
of ____ 20__ in _____, Philippines.



Affiant Sayeth Naught.

(Affiant Name and Signature)

SUBSCRIBED AND SWORN to before me this _____ day of _____,
20____, complainant exhibiting to me his/her residence certificate No.
_____ issued at _____ on _____ 20__.

(Person authorized to administer an oath or a Notary Public)

CERTIFICATION

This is to certify that I personally examined the affiant, and I am fully
satisfied he/she voluntarily executed and understood his/her affidavit.

(Person authorized to administer an oath or a Notary Public)



Annex E: Certificate of Non-Forum Shopping

CERTIFICATE OF NON-FORUM SHOPPING

I, _____, of legal
age, _____ resident
of _____

Under oath depose and state:

That I am filing an administrative complaint
against _____ assigned
at _____
for _____ before this office.

That I have not filed nor commenced such action or proceeding involving the same act or omission with any administrative disciplinary authority or forum.

That the best of my knowledge, no such action or proceeding is pending before any said forum.

That if any action or proceeding which is either pending or may have been terminated, I must state the status thereof.

And that if I should thereafter learn that similar action or proceeding has been filed or is pending before any other administrative disciplinary authority, I undertake to inform such fact within five (5) days from such notice to this office or to the disciplinary authority where the original complaint or pleading has been filed.

Affiant

SUBSCRIBED AND SWORN to before me this ____ day of _____,
20__, complainant exhibiting to me his/her Residence certificate No. _____
issued at _____ on _____ 20__

(Administering Officer)



AFFIDAVIT OF NON-DISCLOSURE

I, _____, of legal age,
resident of _____.

Under oath depose and state:

That I am willing to be designated as Investigator/Personnel of VAWC Desk and
be _____ assigned _____ at
_____.

That as a VAWC Investigator/Personnel shall adopt and/or maintain all VAWC
DESK Confidential Information in strict confidence, to protect the security, integrity, and
confidentiality of such information and to not permit unauthorized access to or authorized
use, disclosure, publication, or dissemination of Confidential Information except in
conformity of my duties and responsibilities and with the VAWC Desk Policy.

That without prior written consent/request from authorized personnel/offices nor
its representatives shall disclose to any person any information brought to the VAWC
DESK.

That if any action or proceeding which is either pending or may have been
terminated, I must state the status thereof to the proper personnel/offices authorities;

And that upon the termination of my order as VAWC Investigator/Personnel, shall
ensure that all documents, memoranda, and other writings or electronic records that
include or reflect any confidential information are properly turned over to
designated/authorized investigator/personnel or destroyed as directed by the authorized
personnel such as but not limited to the VAWC Desk Officer/Commander, Provost
Marshall Unit/Commander, CGIG-IAS.

Person Administering Oath

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____,
person exhibiting to me his/her Residence certificate No. _____ issued at _____
on _____ 20____

(Administering Officer)